

ROBERT HUGHES (“Plaintiff”), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against CREDIT ONE BANK (“Defendant”).

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA").

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 15. When contacting Plaintiff on his cellular telephone, Defendant used an automatic
2 telephone dialing system and automatic and/or prerecorded voice.

3 16. Defendant's calls to Plaintiff usually began with a noticeable delay or silence
4 prior to the call terminating or a representative coming on the line.

5 17. Defendant's calls were not made for "emergency purposes".

6 18. Plaintiff told Defendant to stop calling in or around June 2015, thereby revoking
7 any consent Defendant may have had or thought it had to call.

8 19. Defendant acknowledged Plaintiff's request, yet continued to call repeatedly.

9 20. Plaintiff found Defendant's repeated calls stressful, frustrating, annoying, and
10 aggravating.
11

12 **COUNT I**
13 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

14 21. Plaintiff incorporates the foregoing paragraphs as though they were set forth at
15 length herein.

16 22. Defendant initiated multiple automated calls to Plaintiff's cellular telephone
17 using an automatic telephone dialing system.

18 23. Defendant's calls were not made for emergency purposes.

19 24. After Plaintiff told Defendant to stop calling, Defendant knew or should have
20 known it did not have consent to call and/or that any consent it thought it had was revoked.

21 25. The acts and/or omissions of Defendant were done unfairly, unlawfully,
22 intentionally, deceptively, fraudulently, knowingly, and absent bona fide error, lawful right,
23 legal defense, legal justification, or legal excuse.

24 26. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
25 and damages set forth below.

1 WHEREFORE, Plaintiff, ROBERT HUGHES, respectfully prays for a judgment as
2 follows:

- 3 a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
4 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
5 U.S.C. § 227(b)(3)(B);
6 c. Treble damages of \$1,5000.00 per violative telephone call pursuant to 47
7 U.S.C. § 227(b)(3);
8 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and
9 e. Any other relief deemed appropriate by this Honorable Court.
10

11 **DEMAND FOR JURY TRIAL**

12 PLEASE TAKE NOTICE that Plaintiff, ROBERT HUGHES, demands a jury trial in this
13 case.
14

15
16 DATED: March 3, 2017

KIMMEL & SILVERMAN, P.C.

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